

Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 L-03 SCA-01 H-01 DHA-02 VO-03
ORM-02 SS-15 NSC-05 CIAE-00 INR-07 NSAE-00 PRS-01
PA-01 USIA-06 /060 R

DRAFTED BY EUR/EE:CWSCHMIDT/RAMOSHER:LCB
APPROVED BY EUR:JAARMITAGE
L/M:FSHAMWELL
L/SCA:RDALTON

-----022054Z 038689 /62

P 021825Z APR 77
FM SECSTATE WASHDC
TO AMEMBASSY SOFIA PRIORITY

C O N F I D E N T I A L STATE 073112

E.O. 11652: GDS

TAGS: SHUM, CGEN, PFOR, BU (MAREVA, RUMYANKA AND YORDANKA)

SUBJECT: DIVIDED FAMILIES: MAREV CASE

REF: (A) SOFIA 578, (B) SOFIA 523

1. SUMMARY AND REQUESTED ACTION. BASED ON RECENT DISCUSSION WITH BULGARIAN REPRESENTATIVES ON MAREV CASE IN SOFIA (REFTELS) AND IN WASHINGTON, DEPARTMENT BELIEVES TIME HAS COME TO SEE IF MRS. MAREV WOULD BE WILLING TO TRAVEL TO BULGARIA TO MEET WITH HER DAUGHTERS IN AN EFFORT TO CONFIRM WHETHER OR NOT THEY WISH TO JOIN MAREVS IN THE US. IN SO DOING, WE WILL NEED FIRST TO EXPLAIN TO MAREVS AS BEST WE CAN THE PRESENT POSITION OF BULGARIAN GOVERNMENT, THE POSSIBLE RISKS INVOLVED IN SUCH AN EFFORT, THE SUPPORT USG WOULD BE ABLE TO GIVE, INCLUDING ROLE OF EMBASSY SOFIA DURING HER VISIT, AND THE LIMITATIONS ON WHAT THE USG CAN DO. THE COMMENTS OF THE EMBASSY ON THIS CONFIDENTIAL

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PROPOSED COURSE OF ACTION ARE REQUESTED ASAP- END SUMMARY.

2. DURING MARCH 22 MEETING AT DEPARTMENT BETWEEN BULGARIAN DCM KONSTANTINOV AND SCHMIDT, WHICH KONSTANTINOV HAD REQUESTED FOR STATED REASON OF CONVEYING TO US INFORMATION CONCERNING RESOLUTION OF OTHER CASES (REPORTED IN STATE 64901), KONSTANTINOV ALSO RAISED MAREV CASE. HE

WAS FAR LESS SPECIFIC THAN ZHELENSKI HAD BEEN WITH THE AMBASSADOR ON MARCH 17 (REF A) AND MADE NO REFERENCE

WHATSOEVER TO GOB CLAIM THAT MRS. MAREV IS STILL A BULGARIAN CITIZEN NOR TO ITS INTERPRETATION THAT LETTERS APPENDED TO CONSULAR CONVENTION IN PART SUPERSEDE THE 1923 NATURALIZATION TREATY. HOWEVER, KONSTANTINOV DID SAY THAT IT SEEMED SOME "NORMAL STEP" SHOULD BE TAKEN WITH RESPECT TO THIS CASE AND THAT, THEREFORE, HE WOULD LIKE, THROUGH THE DEPARTMENT, TO INVITE MRS. MAREV TO THE EMBASSY WHERE HE WOULD DISCUSS THE POSSIBILITIES FOR HER TO TRAVEL TO BULGARIA TO MEET WITH HER DAUGHTERS, WHICH PASSPORT SHE WOULD WISH TO USE, AND NECESSARY APPLICATIONS. KONSTANTINOV INDICATED CLEARLY THAT EMBASSY DID NOT WISH TO MEET WITH MR. MAREV SINCE HE HAD BEEN "TOO MUCH INVOLVED" IN THE PROBLEM.

3. KONSTANTINOV REITERATED TO US THAT GOB WOULD GUARANTEE "ABSOLUTELY" THAT MRS. MAREV WOULD BE PERMITTED TO RETURN TO THE U.S. IF SHE TRAVELED ON A BULGARIAN PASSPORT. HE ASKED THAT MRS. MAREV ALSO BE INFORMED OF THIS ASSURANCE. SCHMIDT SAID THAT WE WOULD PASS THIS INFORMATION ON TO THE MAREVS BUT STRESSED TO KONSTANTINOV THAT, BASED ON EARLIER CONVERSATIONS WITH THEM, WE WERE UNSURE WHETHER MRS. MAREV WOULD CHOOSE TO RETURN TO BULGARIA TO SEE HER DAUGHTERS EVEN WITH A BULGARIAN VISA IN A U.S. PASSPORT, LET ALONE ON A BULGARIAN PASSPORT. FRANKLY, SCHMIDT SAID, THE MAREVS FEARED THAT MRS. MAREV MIGHT BE DETAINED OR OTHERWISE NOT BE ALLOWED TO LEAVE BULGARIA, AND THIS CONFIDENTIAL

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WAS THE REASON WHY NEITHER OF THEM HAD ATTEMPTED UP TO NOW TO RETURN TO BULGARIA TO SPEAK WITH THEIR DAUGHTERS. INSTEAD, SCHMIDT SAID, THE MAREVS HAD TALKED OF SENDING TWO AIR TICKETS TO BULGARIA AND ASKING BULGARIAN AUTHORITIES TO ISSUE PASSPORTS TO THE CHILDREN. .FYI. MAREVS SAID TO US THAT IF THEIR DAUGHTERS CHOSE TO USE THEM, THAT WOULD DETERMINE ONCE AND FOR ALL WHETHER THEY WISHED TO JOIN THEIR PARENTS OR NOT. END FYI)

4. KONSTANTINOV WAS IMPRECISE IN RESPONSE TO OUR QUERY ABOUT THE BULGARIAN GOVERNMENT'S POSITION ON ISSUING A BULGARIAN VISA IN HER U.S. PASSPORT, INDICATING THAT SHE WOULD HAVE TO APPLY BUT THAT HE DID NOT THINK THIS WOULD BE A GREAT PROBLEM. ASKED IF BULGARIAN AUTHORITIES WOULD PERMIT CHILDREN TO RETURN TO U.S. WITH MRS. MAREV IF THEY EXPRESSED DESIRE TO DO SO, KONSTANTINOV SHRUGGED AND SAID HE BELIEVED THIS WOULD BE ALLOWED. OTHERWISE, HE ASKED, WHY WOULD IT BE NECESSARY THAT SHE TRAVEL TO BULGARIA AT ALL.

5. DURING CONVERSATION WITH KONSTANTINOV ON MAREV CASE

ON MARCH 7, KONSTANTINOV TOOK A MUCH HARDER LINE ON DEPARTURE OF CHILDREN THAN HE DID IN OUR MOST RECENT

CONVERSATION. IN THE FORMER TALK, HE NOTED THAT WHILE AMERICANS SEE THIS PROBLEM AS DIVIDED FAMILY, BULGARIAN AUTHORITIES SEE IT AS CASE OF "ABANDONED CHILDREN". HE IMPLIED STRONGLY THAT EVEN SHOULD GOB BE PREPARED TO ISSUE GIRLS PASSPORTS AND EXIT PERMITS, BULGARIAN COURT OR JUVENILE AUTHORITIES MIGHT VIEW MATTER DIFFERENTLY SINCE CHILDREN HAD BEEN "ABANDONED". ON MARCH 22, SINCE KONSTANTINOV DID NOT MAKE ANY REFERENCE TO THIS ASPECT, SCHMIDT REFERRED TO KONSTANTINOV'S EARLIER ALLUSION TO POSSIBLE ROLE BY BULGARIAN COURT. IN RESPONSE, KONSTANTINOV BACKED AWAY FROM HIS EARLIER REMARKS, SAYING THAT, IF CHILDREN WANT TO JOIN PARENTS, HE BELIEVED

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JUVENILE AUTHORITIES WOULD POSE NO OBJECTIONS. SAME WOULD BE TRUE, HE ADDED, WITH RESPECT TO VIEWS OF MRS. MAREV'S MOTHER, WHO HE SAID WAS RATHER OLD AND ILL, AND WITH RESPECT TO POSSIBLE VIEWS OF DIRECTOR OF THE "INTERNAT" WHERE GIRLS ARE LIVING.

6. COMMENT. FROM KONSTANTINOV'S MOST RECENT STATEMENTS TO US IT WAS IMPOSSIBLE TO TELL WHETHER HE WAS BEING PURPOSELY FUZZY ABOUT ASPECTS OF GOB POSITION ON MRS. MAREV'S POSSIBLE TRAVEL TO BULGARIA OR IF INSTRUCTIONS BULGARIAN EMBASSY HAS RECEIVED ARE LESS SPECIFIC THAN LINE ZHELENSKI RECENTLY TOOK WITH THE AMBASSADOR. IN ANY CASE, HOWEVER, WE BELIEVE WE DID DETECT SOME INDICATIONS IN TONE AND CONTENT OF HIS REMARKS THAT GOB MAY BE MORE INCLINED NOW TO "RESOLVE" MAREV CASE, ALBEIT PERHAPS WITH THOUGHT IN MIND THAT MRS. MAREV WILL DECIDE TO REMAIN IN BULGARIA OR THAT CHILDREN WILL NOT WANT TO JOIN PARENTS OR AT LEAST WILL IN SOME WAY BE CONSTRAINED FROM SAYING SO. REGARDING QUESTION OF MRS. MAREV'S OWN WISHES, IN OUR CONVERSATIONS WITH MAREVS WE HAVE SEEN NO EVIDENCE THAT MRS. MAREV HAS BEEN COWED BY HER HUSBAND OR THAT SHE IS UNWILLING TO REMAIN HERE. HIS IS OBVIOUSLY A STRONG PERSONALITY, BUT SHE SEEMS FULLY ABLE TO EXPRESS AND HOLD HER OWN VIEWS IN OUR DISCUSSIONS. HER PRIMARY MOTIVATION APPEARS QUITE CLEARLY TO BE TO GET HER DAUGHTERS HERE. REGARDING CHILDREN'S WISHES, MAREVS TOLD US SOME WEEKS AGO THAT THEY HAD NOT BEEN IN CONTACT BY TELEPHONE WITH THEIR DAUGHTERS SINCE EARLY FALL BECAUSE OF LACK OF TELEPHONE IN THEIR TEMPORARY WASHINGTON AREA RESIDENCE AND DIFFICULTY OF MAKING CALL FROM PUBLIC PLACE. ALSO, THEY SAID SEVERAL LETTERS AND CHECKS SENT AT CHRISTMAS TIME HAD NOT BEEN ACKNOWLEDGED. ON OUR URGING, THEY SUBSEQUENTLY TELEPHONED DAUGHTERS AT THEIR SCHOOL. THEY INFORMED US THAT, IN RESPONSE TO THEIR QUESTION WHETHER

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DAUGHTERS WANTED TO JOIN THEM HERE, BOTH SAID YES EMPHATICALLY (AS THEY REPORTEDLY HAVE IN RESPONSE TO THIS QUESTION DURING PREVIOUS TELEPHONE CONVERSATIONS).
END COMMENT.

7. SUBJECT TO RECEIPT OF EMBASSY'S COMMENTS, DEPARTMENT PLANS TO MEET WITH MAREVS AND EXPLAIN SITUATION AS IT NOW STANDS. WE WILL MAKE CLEAR THAT CHOICE OF ACTION IS ENTIRELY THEIRS TO MAKE AND, IF MRS. MAREV DECIDES TO TRAVEL, THAT THE US GOVERNMENT WILL DO EVERYTHING POSSIBLE TO ENSURE MRS. MAREV'S PROTECTION AND WELFARE AS AN AMERICAN CITIZEN. (FYI. WE RECOGNIZE THAT THERE ARE PRACTICAL LIMITS ON OUR ABILITY TO ENSURE MRS. MAREV'S WELFARE AND SAFETY WHILE IN BULGARIA. FOR EXAMPLE, SHE COULD BE ARRESTED. FURTHERMORE, AS STATED TO KONSTANTINOV, WE ARE BY NO MEANS CERTAIN MAREVS WILL DECIDE IN FAVOR OF HER GOING TO BULGARIA, IRRESPECTIVE OF CONDITIONS OF TRAVEL. AT THIS POINT, WE SENSE MAREVS' STATE OF MIND IS SUCH THAT ANY ATTEMPT BY US TO QUALIFY OUR ABILITY TO GUARANTEE HER SAFETY AND HER ABILITY TO LEAVE BULGARIA OF HER OWN FREE WILL MIGHT WELL CONVINCE MAREVS NOT TO HAVE HER RETURN TO BULGARIA. EMBASSY'S COMMENTS REQUESTED AS TO WHETHER WE WOULD HAVE TO MAKE SUCH QUALIFICATIONS (AND HOW THEY COULD BE STATED) IF EMBASSY WERE SUCCESSFUL IN OBTAINING ASSURANCES ALONG LINES DISCUSSED IN PARA 9 BELOW.
END FYI)

8. DOCUMENTATION FOR TRAVEL: TO EXTENT WE CAN, WE WILL ENCOURAGE MRS. MAREV TO MEET WITH KONSTANTINOV. WE SEE NO POINT IN INSISTING THAT BULGARIANS ALSO SEE MR. MAREV, NOR WOULD WE PLAN TO ACCOMPANY MRS. MAREV. WITH REGARD TO BULGARIAN PROPOSAL THAT MRS. MAREV RETURN ON BULGARIAN PASSPORT UNDER A "GUARANTEE" THAT SHE COULD RETURN TO THE US AT ANY TIME, OUR POSITION IS THAT MRS. MAREV IS NOT RPT NOT A DUAL NATIONAL AND THEREFORE SHE
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SHOULD NOT ENTERTAIN THIS PROPOSAL. AS EXPLAINED IN SEPTTEL, DEPARTMENT'S LEGAL ADVISER'S OFFICE HAS PROVIDED US WITH EFFECTIVE LEGAL ARGUMENTATION TO REBUT THE BULGARIAN INTERPRETATION (SOFIA 524) THAT THE NATURALIZATION TREATY OF 1923 HAS IN PART BEEN SUPERSEDED BY THE EXCHANGE OF LETTERS APPENDED TO THE US-BULGARIAN CONSULAR CONVENTION OF 1974. THEREFORE, WE DISAGREE WITH GOB VIEW THAT MRS. MAREV REMAINS A BULGARIAN CITIZEN. THUS, WE WILL INSIST THAT, IF MRS. MAREV CHOOSES TO TRAVEL TO BULGARIA, SHE DO SO ON AN AMERICAN PASSPORT (WHICH SHE ALREADY HAS) WITH A BULGARIAN VISA.

9. POSSIBLE SAFEGUARDS. WE CONTINUE TO BE SUSPICIOUS

ABOUT GOB MOTIVES IN POSSIBLY ALLOWING MRS. MAREV'S RETURN, ESPECIALLY IN VIEW OF BULGARIAN POSITION THAT SHE REMAINS A BULGARIAN CITIZEN. DEPARTMENT BELIEVES, THEREFORE, THAT SHE SHOULD RETURN ONLY IF WE HAVE OBTAINED SPECIFIC AND UNEQUIVOCAL ASSURANCES BEFOREHAND FROM GOB THAT SHE (A) WOULD BE ABLE TO MEET AND SPEND TIME WITH HER DAUGHTERS, (B) LEAVE BULGARIA ON HER OWN VOLITION WITHOUT BEING DELAYED OR IMPEDED IN ANY FASHION, AND (C) THAT IF CHILDREN TELL HER THEY WANT TO LEAVE BULGARIA AND JOIN MAREVS HERE, THEY WILL BE ALLOWED TO DO SO WITHOUT UNDUE DELAY. WE BELIEVE THAT IT WOULD BE BEST FOR EMBASSY SOFIA TO SEEK SUCH ASSURANCES AT THE TIME MRS. MAREV SUBMITS HER APPLICATION HERE FOR BULGARIAN VISA, UNDERSCORING THAT ANY BREACH OF THESE ASSURANCES WOULD HAVE FAR-REACHING IMPLICATIONS FOR FUTURE DEVELOPMENT OF US-BULGARIAN RELATIONS. WE AGREE WITH EMBASSY'S VIEW THAT WE SHOULD BASE OUR CASE PRIMARILY ON HUMANITARIAN AND POLITICAL GROUNDS, RATHER THAN BECOME EMBROILED IN LEGAL ARGUMENTS. IT IS OUR ASSESSMENT THAT GOB WILL ISSUE MRS. MAREV A VISA IN HER U.S. PASSPORT, ESPECIALLY IN VIEW OF THE CAVEAT DESCRIBED TO THE AMBASSADOR BY ZHELENSKI THAT SUCH A STEP WOULD BE WITHOUT CONFIDENTIAL

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PREJUDICE TO BULGARIAN POSITION THAT SHE IS BULGARIAN CITIZEN.

10. ARRANGEMENTS IN BULGARIA: EMBASSY SHOULD BEAR IN MIND REPEATED BULGARIAN CHARGES THAT MRS. MAREV WAS COMPELLED BY FORCE TO LEAVE BULGARIA AND HER CHILDREN, AND THAT MR. MAREV CONTINUES TO HOLD HER IN THE U.S. AGAINST HER WILL. THIS RAISES TWO POSSIBILITIES, ONE, THAT MRS. MAREV MAY INDEED CHOOSE OF HER OWN VOLITION TO REMAIN IN BULGARIA TO BE REUNITED WITH HER CHILDREN AND PARENTS; TWO, THAT THE GOB MIGHT IN SOME FASHION ARRANGE FOR MRS. MAREV TO STAY IN BULGARIA "OF HER OWN FREE WILL" TO "ESCAPE" FROM HER HUSBAND'S "BRUTALITY."

WE OF COURSE WOULD EXPECT THAT EMBASSY SOFIA WOULD MAKE EVERY EFFORT TO FACILITATE MRS. MAREV'S VISIT AND REUNION WITH CHILDREN, AS STATED IN SOFIA 341.

11. WE BELIEVE IT WOULD BE BEST IF EMBASSY COULD ESCORT MRS. MAREV TO EXTENT POSSIBLE DURING HER STAY. IDEALLY, FIRST MEETING SHOULD BE MOTHER AND TWO DAUGHTERS WITH NO ONE ELSE PRESENT SO THAT PREDICTABLY TENSE ATMOSPHERE MIGHT BE LESSENED SOMEWHAT. WE BELIEVE POSSIBILITY OF SUCH A MEETING WOULD PROVIDE INCENTIVE FOR MRS. MAREV TO GO TO BULGARIA DESPITE HER FEARS. WE RECOGNIZE, HOWEVER, THAT THIS MAY BE IMPOSSIBLE. (FYI. DURING OUR

RECENT CONVERSATIONS WITH WARREN MORSE, GUARDIAN OF LUBOMIR KHRISTOV, MORSE HAS SAID HE BELIEVES HE COULD NOW CONVINCE LUBOMIR TO MEET ALONE WITH GOB REPRESENTATIVES, SHOULD SUCH A MEETING BE REQUESTED. WE BELIEVE THAT IF GOB SHOULD CITE "KHRISTOV CONDITIONS" OR OTHERWISE REFER TO KHRISTOV CASE DURING DISCUSSION OF MAREV CHILDREN, EMBASSY SHOULD ASK IF BULGARIANS WISH US TO ARRANGE A PRIVATE MEETING WITH BOY FOR THEM. IF THEY SAY YES, EMBASSY SHOULD REQUEST THAT BULGARIANS MEET WITH EMBASSY CONSUL SEPARATELY
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TO DISCUSS ARRANGEMENTS; IF THEY SAY NO, EMBASSY SHOULD STATE DESIRE TO RESTRICT DISCUSSION TO SUBJECT AT HAND, I.E. MAREV CASE. IF WE ARE ABLE TO ARRANGE A PRIVATE MEETING WITH KHRISTOV THIS OBVIOUSLY WOULD UNDERMINE GOB'S ABILITY TO CITE "KHRISTOV CONDITIONS" AS REASON FOR NOT ALLOWING SIMILAR MEETING IN MAREV CASE. END FYI) WE BELIEVE MRS. MAREV'S EFFORTS TO DETERMINE WISHES OF DAUGHTERS SHOULD ALSO INCLUDE MEETING IN WHICH REPRESENTATIVES OF EMBASSY AND OF COMPETENT BULGARIAN AUTHORITY ARE PRESENT SO THAT RECORD CAN BE MADE OF CHILDREN'S DESIRES.

12. MR. MAREV'S ROLE: AFTER MRS. MAREV RECEIVES BULGARIAN VISA, DEPARTMENT WOULD SUGGEST TO MR. MAREV THAT CHANCES OF FAVORABLE ACTION BY GOB MIGHT BE ENHANCED IF HE WERE TO SUSPEND HIS VIGIL FOR DURATION OF HER VISIT TO BULGARIA. SUCH A STEP MIGHT ALSO HELP AVOID PROBLEMS WHILE MRS. MAREV WAS IN BULGARIA. IN SO DOING, HOWEVER, WE WOULD HAVE TO TELL MAREVS THAT OTHER THAN SOME REMARKS FROM AMBASSADOR POPOV A WHILE AGO, WE HAVE RECEIVED NO RESPONSE AS YET FROM THE GOB TO SUPPORT OUR VIEWS THAT SUSPENSION OF HIS ACTION WOULD MAKE IT EASIER FOR BULGARIAN AUTHORITIES TO MOVE. HOWEVER, THERE SEEMS LITTLE OR NOTHING THAT HE WOULD LOSE BY SUCH A STEP.

-- (AS OF MARCH 31, MR. AND MRS. MAREV, USUALLY ACCOMPANIED BY THEIR YOUNGEST DAUGHTER, MARKED THE 230TH DAY OF THEIR MONDAY-THROUGH-FRIDAY VIGIL AT THE DIPLOMATIC ENTRANCE.)

13. AS INDICATED, EMBASSY COMMENTS REQUESTED ASAP.
CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 22-Sep-1999 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPATRIATION, REFUGEE RESETTLEMENT, PROGRESS REPORTS, DEPENDENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 02-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE073112
Document Source: ADS
Document Unique ID: 00
Drafter: EUR/EE:CWSCHMIDT/RAMOSHER:LCB
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Expiration:
Film Number: D770115-0496
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197704103/baaaevph.tel
Line Count: 318
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Message ID: 1001b49b-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: (A) SOFIA 578, (B) SOFIA 523
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2668110
Secure: OPEN
Status: NATIVE
Subject: DIVIDED FAMILIES: MAREV CASE
TAGS: SHUM, CGEN, PFOR, BU, US, (MAREVA, RUMYANKA), (MAREVA, YARDANKA)
To: SOFIA
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/1001b49b-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009